Wiggs. Woodall. Williams of Sabine. Woodruff. Williams of Hardin.

The roll call developed the fact that there was not a quorum present.

ADJOURNMENT.

Mr. Bradley moved that the House adjourn until 2 o'clock p. m. tomorrow.

Mr. Patterson moved that the House adjourn until 10 o'clock a. m. tomorrow.

The motion of Mr. Patterson prevailed, and the House, accordingly, at 2:05 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

FOURTH DAY.

(Saturday, July 6, 1929.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Mr. Sanders.

The roll was called, and the following members were present:

Acker. Marks. Baker. Mauritz. Bounds. McGill. Bradley. Palmer. Dunlap. Patterson. Enderby. Sanders. Forbes. Shelton. Gerron. Tillotson. Graves Van Zandt. of Williamson. Walters. Graves of Erath. Warwick. Harding. Williams of Travis. Johnson of Scurry. Young. Long of Houston.

Absent-Excused.

Davis. Mr. Speaker. Ackerman. DeWolfe. Adkins. Duvall. Albritton. Ewing. Anderson. Eickenroht. Avis. Finn. Baldwin. Finlay. Barnett. Fuchs. Bateman. Gates. Beck. Gilbert. Bond. Giles. Brice. Hardy. Harman. Brooks. Carpenter. Harper. Chastain. Harrison. Coltrin. Heaton. Conway. Hefley. Hogg. Cox of Navarro. Cox of Lamar. Holder. Cox of Limestone. Hopkins.

Hornaday. Pool. Hubbard. Pope of Jones. Jenkins. Pope of Nueces. Johnson Prendergast. Purl. of Dimmit. Johnson of Smith. Quinn. Jones. Ray. Justiss. Reader. Kayton. Reid. Keeton. Renfro. Keller. Richardson. Kemble. Rogers. Kennedy. Rountree. Kenyon. Savage. Kincaid. Shaver. King. Sherrill. Kinnear. Shipman. Land. Simmons. Lee. Sinks. Lemens. Snelgrove. Long of Wichita. Speck. Loy. Stephens. Mankin. Stevenson. Martin. Storey. Maynard. Strong. McCombs. Tarwater. McDonald. Thompson. McKean. Thurmond. Mehl. Turner. Metcalfe. Veatch. Minor. Waddell. Montgomery. Wallace. Moore. Webb. Morse. Westbrook. Mosely. \mathbf{W} hite. Wiggs. Mullally. Murphy. Williams of Sabine. Negley. Nicholson. Williams of Hardin. Olsen. Woodall. O'Neill. Pavlica. Woodruff. Petsch.

The Speaker announced that there was not a quorum present.

ADJOURNMENT.

Mr. Patterson moved that the House adjourn until 10 o'clock a. m. tomorrow. Mr. Tillotson moved that the House adjourn until 10 o'clock a. m. next Monday.

The motion of Mr. Tillotson prevailed, and the House, accordingly, at 10:04 o'clock a. m., adjourned until 10 o'clock a. m. next Monday.

FIFTH DAY.

(Monday, July 8, 1929.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called, and the following members were present:

Long of Wichita. Mr. Speaker. Mankin. Acker. Adkins. Marks. Albritton. Mauritz. Baker. Maynard. Barnett. McGill. McKean. Bateman. Bond. Mehl. Metcalfe. Bounds. Moore. Bradley. Morse. Carpenter. Mosely. Coltrin. Murphy. Conway. Cox of Navarro. Cox of Lamar. Negley. Nicholson. Cox of Limestone. Olsen. O'Neill. Davis. Palmer. Dunlap. Enderby. Patterson. Pavlica. Ewing. Petsch. Eickenroht. Finlay. Pool. Pope of Jones. Forbes. Fuchs. Quinn. Gates. Reader. Gerron. Renfro. Richardson. Gilbert. Giles. Rountree. Graves Sanders. of Williamson. Savage. Graves of Erath. Shelton. Hardy. Sinks. Harding. Snelgrove. Harper. Speck. Harrison. Stevenson. Hines. Storey. Thompson. Holder. Thurmond. Hopkins. Tillotson. Johnson of Dimmit. Van Zandt. Johnson of Smith. Veatch. Johnson of Scurry. Wallace. Walters. Jones. Justiss. Warwick. Kennedy. Wiggs. King. Williams of Travis. Lee. Woodruff. Lemens. Long of Houston. Young.

Absent.

Ackerman. Land. Anderson. Martin. McCombs. Avis. Baldwin. Montgomery. Beck. Mullally. Pope of Nueces. Brice. DeWolfe. Ray. Harman. Reid. Hefley. Rogers. Hubbard. Sherrill. Keeton. Shipman. Keller. Stephens.

Waddell. Williams of Sabine. Westbrook. Woodall.

Absent—Excused.

Brooks. McDonald. Chastain. Minor. Duvall. Prendergast. Purl. Finn. Heaton. Shaver. Hogg. Simmons. Hornaday. Strong. Jenkins. Tarwater. Turner. Kayton. Webb. Kemble. Kenvon. White. Kincaid. Williams of Hardin. Kinnear. Loy.

The Speaker announced that there was not a quorum present.

Mr. Albritton moved a call of the House for the purpose of securing a quorum, and the call was duly ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

Mr. Albritton moved that the Sergeant-at-Arms be instructed to bring all absent members in the city to the bar of the House, and that the Speaker wire all absent members not in the city to return at once.

The motion prevailed.

HOUSE NOTIFIED.

A committee from the Senate appeared at the bar of the House and, being duly announced, reported that the Senate is now organized and ready for the transaction of business.

COMMUNICATION FROM THE ATTORNEY GENERAL.

Mr. Forbes requested that the following communication be printed in the Journal, to which request there was no objection offered:

Offices of the Attorney General.

Austin.

July 5, 1929.

Hon. B. J. Forbes, House of Representatives, Capitol.

Dear Sir: This is in response to your oral request for a construction of Section 10, Article 3, of the Constitution of Texas. In this connection you desire

our opinion as to whether a smaller number than a quorum of the House may adjourn from Saturday until Monday, passing over a meeting on Sunday.

It is a custom of the legislative bodies of this State to hold no session on Sunday. Our statutes provide that no person shall labor on Sunday except in certain necessitous works. The Supreme Court of Missouri, in the case of Lynch vs. Donnell, 15 S. W. 927, held that the expression "from day to day," as used in the statutes of Missouri, applying to tax sales, should be construed to carry as its usual and ordinary meaning the power of passing over and skipping a legal holiday. We, therefore, conclude, and you are advised, that the expression "from day to day," as used in the constitutional provision above cited, should be construed to give to a smaller number of the members of the House than a quorum the right to adjourn from Saturday until the next succeeding Monday without the necessity of holding a session on the intervening Sunday.

Yours very truly,
W. DEWEY LAWRENCE,
Assistant Attorney General.

EDITORIAL FROM THE DALLAS TIMES-HERALD.

Mr. Savage requested that the following editorial from the Dallas Times-Herald be printed in the Journal, to which request there was no objection offered:

July 8, 1929.

Hon. W. S. Barron, Speaker of House of Representatives, Capitol Building.

I present herewith an editorial which I have clipped from the Dallas Times-Herald of July 5th, 1929, and ask that the same be read and printed in the Journal as a token of our appreciation for this timely article.

W. T. SAVAGE,

Representative, Dallas, Kaufman and Rockwall Counties.

A Situation That Calls for Patience and Tolerance.

The legislative impasse at Austin is proving wearisome to the legislators. Some of them are virtually refusing to remain at the capital. And, of course, the Governor is acquiring his share of weariness. The people of Texas, too, are certainly tired of this prolonged wrangling.

It would be easier to be patient with the legislators if it were evident that the members of the two houses were ignoring all irrelevant issues and confining themselves strictly to business. But, in spite of their apparent anxiety to get home, they indulge in personal disputes, spend valuable time discussing resolutions on National rather than State affairs, and put in a great deal of time talking politics.

Some persons blame the Governor, some blame the Senate, and some blame the House for the turbulence. It is unfair to think too much of blaming anyone. As a matter of fact, the Governor and the law-makers are in the midst of a situation not of their own making. The people of Texas are as much divided as their representatives. The legislators have no mandate from the people to carry out any definite program.

With pressure being applied from many directions toward every bill under consideration, the legislators have no means of discovering what the majority of the people really desire. Under the circumstances, individual members can do but little more than keep their eyes on their own districts.

Conditions are such that even compromise is difficult. Two or three groups can compromise, but both houses are divided into numerous groups. In fact, each member seems to have a definite position of his own. It is surprising that any agreements whatever are reached. The only hope is that the members and the Governor will refrain from personalities and not forget to be tolerant.

AT EASE.

Mr. Sanders asked unanimous consent that the House stand at ease until 2 o'clock p. m. today.

There was no objection offered, and the House, accordingly, at 10:35 o'clock a. m., agreed to stand at ease until 2 o'clock p. m. today.

AFTERNOON SESSION.

The House reconvened at 2 o'clock p. m., and was called to order by the Speaker.

The roll was again called, and a quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Tarwater, on motion of Mr. Petsch.

Mr. Finn, on motion of Mr. Wood-

Mr. Duvall and Mr. Strong, on motion of Mr. Palmer.

Mr. Shaver, on motion of Mr. Graves of Williamson.

Mr. Hogg and Mr. Kemble, on motion of Mr. Morse.

Mr. McDonald and Mr. Turner, on motion of Mr. Gerron.

Mr. Kenyon, on motion of Mrs. Moore.

Mr. Webb, on motion of Mr. Albritton.

Mr. Loy, on motion of Mr. Rountree.

Mr. Minor, on motion of Mr. Sanders.

Mr. Prendergast, on motion of Mr. Hines.

Mr. Hornaday, on motion of Mr. Dunlap.

Mr. Kincaid, on motion of Mr. Wiggs.

Mr. Brooks, on motion of Mr. Storey.

Mr. White, on motion of Mr. Harrison.

Mr. Simmons, on motion of Mr. Renfro.

Mr. Hefley, on motion of Mr. Barron,

Mr. Purl, on motion of Mr. Speck.

Mr. Kayton, on motion of Mr. Quinn.

The following members were granted leaves of absence on account of illness:

Mr. Williams of Hardin, on motion of Mr. Quinn.

Mr. Jenkins, on motion of Mr. Ackerman.

Mr. Heaton, on motion of Mr. Van Zandt.

Mr. Chastain, on motion of Mr. Tillotson.

Mr. Kinnear, on motion of Mr. Quinn,

On motion of Mr. Sanders, all members who were absent last Wednesday, Thursday, Friday and Saturday were excused for the days named.

PROVIDING FOR EMPLOYES OF THE HOUSE.

Mr. Davis offered the following resolution:

Resolved, That the Speaker of the House shall appoint the following employes for the Third Called Session of the Forty-first Legislature, to serve for such compensation as hereafter provided:

One parliamentarian to the Speaker, \$10 per day.

One private secretary to the Speaker, \$7.50 per day.

One page to the Speaker, \$3 per day. One secretary to the Chief Clerk, \$5 per day.

One clerk to Chief Clerk, \$4 per day. One clerk to Committee on Contingent Expense, \$7.50 per day.

One stenographer to Committee on Contingent Expense, \$5 per day.

One clerk to Committees on Enrolling and Engrossing Bills, \$5 per day.

One warrant clerk, \$5 per day.
One assistant to Journal Clerk, \$7.50

per day.
One assistant to Calendar Clerk, \$5 per day.

One assistant to Sergeant-at-Arms, \$5 per day.

One Doorkeeper for bar of the House, \$5 per day.

One Sergeant-at-Arms for gallery, \$5 per day.

One superintendent of stenographers, \$7.50 per day.

Five typists, \$5 per day each.

One clerk to Committee on Appropriations, \$7.50 per day.

Twenty expert stenographers, \$5 per day each.

Four committee clerks, \$5 per day each.

One mailing clerk for Journal, \$5 per day.

One assistant mailing clerk for Journal, \$5 per day.

Four pages for Doorkeepers, \$3 per day each.

One page for Engrossing and Enrolling Divisions, \$3 per day.

One page for stenographic force, \$3 per day.

Twenty pages, \$3 per day each.

One secretary to Mr. Van Zandt of Grayson county, \$4 per day.

One bookkeeper to the Sergeant-at-Arms, \$7.50 per day.

One mimeograph operator, \$5 per day. One storekeeper to the Sergeant-at-Arms, \$4 per day.

One clerk to the Sergeant-at-Arms, \$4 per day.

One superintendent of House, \$100 per month.

One night watchman, \$5 per day. One elevator man, \$4 per day.

Four messengers to carry papers to

Confederate Home and to Woman's Confederate Home, \$1.25 per day each.

Fifteen porters, \$3 per day.

One chief operator of voting machine, \$7.50 per day.

One assistant operator of voting machine, \$5 per day.

One telegraph and telephone clerk, \$5

per day.

Resolved further, That it shall be the duty of the Speaker, and he is hereby empowered, to dispense with the services of any employe who in his judgment is not further needed, and for misconduct of any employe; and further, he shall have the power to appoint extra help when in his judgment it is necessary. The duties of the employes hereinbefore mentioned shall be such as are required by the Speaker of the House of Representatives.

Any of the employes may be excused by the Speaker for causes deemed by him sufficient; provided further, that any employe who shall be absent without leave shall not receive any compensation for the time missed during said absence. The salaries of the employes shall begin when they are instructed to begin work by the Speaker.

The resolution was read second time, and was adopted.

PROVIDING FOR COMMITTEES TO NOTIFY GOVERNOR AND SENATE.

Mr. Wallace offered the following resolution:

Resolved, That the Speaker appoint two committees, of five members each, one to notify the Governor and the other to notify the Senate that the House is organized and ready for business.

The resolution was read second time,

and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committees:

To notify the Senate: Messrs. Coltrin, Baker, Forbes, Wiggs and Harper.

To notify the Governor: Messrs. Van Zandt, Thurmond, Justiss, Savage and Fuchs.

PROVIDING FOR NEWSPAPERS FOR MEMBERS.

Mr. Holder offered the following resolution:

Resolved, That the members of the House be allowed three newspapers per day, the expense of same to be paid out of the contingent expense fund of the House.

The resolution was read second time, and was adopted.

PROVIDING FOR PRINTING OF HOUSE JOURNALS.

Mr. Davis offered the following resolution:

Resolved by the House of Representatives, That 1500 copies of the House Journal of each day be printed, 100 to be delivered to the Senate, one copy to be placed on each member's desk daily, three copies to be delivered to the head of each State department, 75 copies of same to the State Library, and the remainder to be left with the Sergeant-at-Arms for distribution under the direction of the Speaker, and the Speaker is further authorized to order additional Journals at any time he deems it necessary.

The resolution was read second time, and was adopted.

PROVIDING FOR POSTAGE FOR MEMBERS.

Mr. Sanders offered the following resolution:

Resolved, That each member be allowed \$15 for postage stamps, the Chief Clerk \$15, Sergeant-at-Arms \$5, the Committee on Contingent Expense and Committee on Appropriations \$10 each, and that the Speaker be allowed \$25 and each member \$15 for telegraph and telephone expenses, to be paid out of the contingent expense fund in the usual manner; and be it further

Resolved, That the postoffice box rent of the members of the House, the Chief Clerk and the Sergeant-at-Arms be paid out of the contingent expense fund; and be it further

Resolved, That all requisitions for paper and supplies necessary for the preparation of bills, for the Enrolling and Engrossing rooms, the minute books and blank paper for the use of committees, the letterheads, envelopes, etc., to be used by members or employes of the House, be made under the direction of the Committee on Contingent Expenses.

Resolved, That the chairman of the Committee on Contingent Expenses be authorized to rent typewriters for the use of stenographers and Enrolling Clerk and Engrossing Clerk of the House, and to purchase typewriter ribbons, the cost to be paid out of the contingent expense fund of the House.

Resolved, That the Sergeant-at-Arms shall be custodian of the stationery and stationery supplies required by the

House; that said supplies be obtained and disposed of and accounted for by the Sergeant-at-Arms as provided by Rule 3, Section 4, of the Rules of the Thirty-third Legislature.

The resolution was read second time. Morse offered the following

amendment to the resolution:

Amend resolution to provide \$30 for stamps, telephone and telegraph for members instead of \$15 for stamps and \$15 for telephone and telegraph.

Mr. Finlay offered the following sub-

stitute for the amendment:

"\$15" Strike out the figures stamps and insert in lieu thereof the figures "\$10."

On motion of Mr. Gates, the substitute was tabled.

On motion of Mr. Carpenter, the

amendment by Mr. Morse was tabled. Mr. Pope of Jones offered the following amendment:

Strike out the figures "\$15" for stamps and "\$15" for telegraph and telephone and insert "\$5" for each.

On motion of Mr. Gates, the amendment was tabled.

Question then recurring on the resolution, it was adopted.

SENATE NOTIFIED.

The committee appointed to notify the Senate that the House is organized and ready for the transaction of business, reported that they had performed the duty assigned them.

GOVERNOR NOTIFIED.

The committee appointed to notify the Governor that the House is organized and ready for the transaction of business, reported that they had performed the duty assigned them.

APPOINTMENT OF EMPLOYES AN-NOUNCED.

The Speaker announced the appointment of the following:

Porters: George Hunt, head porter; Tom Kincheon, Milton Nobles, Joe Johnson, Rufus Pope, Isaiah Smith, John White, John Lee Rollins, Charley Irwin, Lewis Gilbert, Henry Moore, Aaron Simms, and John W. Reader, shine members' shoes.

Pages: James Crane, Harper Ledbetter, Clarence Jones, Gary Morrison, Olen Crow, Jesse Hellums, Hugh Haynie, William Bergmen, Jack Crane, Ernest Elam, Marcus Renfro, Ben King, Mayo

Patterson, Hugh Smith, Russell Soper, Gates Steen, William White, William Turner.

Special pages: Special pages to Outside Doorkeeper, E. Townsley and Jack Otting; Douglas King, Assistant Doorkeeper page; Jack Myers, page to Main Doorkeeper; Emmit Davis, page to Engrossing and Enrolling Rooms.

Stenographers: Edna Stone, Ruby Turpin, Mrs. Pat Gray Burford, Rose Mary Deen, Bess Elkins, Lyla Engberg, Lina Jenkins, Carol Rote, Mrs. Ed Kilman, Carolyn Loewenstein, Mrs. Norine Nachtrab, Mrs. Elsie Rupert, Francis Taylor, Sam Harwell, Minnie Lee Zimmerman, Gerra Punchard, Bess Smartt and Pearl Williams.

Enrolling room: Mrs. E. E. Young, Mrs. Lottie Sturdivant, Miss Katy Harper, Mrs. Estelle Haydon, Mrs. R. G. Reeves and Mrs. Matilda R. Smith.

Engrossing department: Mrs. R. N. McCann, Mrs. T. E. Watson, Mrs. Mary Porter, F. D. McMullen, Lillian Johnson, Mrs. Ella M. Whitis, Harold Denton, Marguerite Franklin, Mrs. Mallie Plemons. Edwin Walker, Bess Minter, Lenora Griffin, Mrs. Woodie Spore, Grace Fox, Helen Young, Estelle Hardin, Mrs. Frances Barnard, Mrs. Frances Baker, Sue Archibald, Mrs. Victoria Mc-Cutcheon and Mrs. J. M. Walker.

RELATING TO REVENUE RAISING MEASURES.

Mr. Eickenroht offered the following resolution:

Whereas, The outstanding issue before the people of the State of Texas at this time concerns the ways and means of raising sufficient revenue to properly administer the government and support their institutions; and

Whereas, The revenue laws under which we now operate are totally inadequate, unfair, unequal, discriminatory, confiscatory and favor the classes at the expense of the masses, enrich the few and bear grievously upon the great body of our citizenship; and

Whereas, A great American has recently said that "it is no part of government to boost one citizen and to boot another," and yet that is the very thing that Texas does today under her antiquated system of raising revenue; and

Whereas, The "subjects of every State ought to contribute toward the support of the government as nearly as possible in proportion to their respective abiliities, that is, in proportion to the revenues which they respectively enjoy King, Victor LaTulle, J. E. Mayer, J. T. | under the protection of the State"; and

Whereas, It appears that in 81 counties out of 250 in this State no assessments whatever of money were made, and in 130 counties there were no assessments of credits, and in 217 counties there were no assessments of bonds and stocks and it, therefore, appears that not five per cent of our intangible personal property is rendered for taxation, and that multiplied millions of intangible properties are now and have always escaped taxation, and the citizenship of this State who contribute to the support of the State government say in their hearts and cry aloud that "such a nefarious scheme of robbery and injustice must be abolished"; and

Whereas, The Congress of Texas met in October, 1836, as the founders of a new nation and passed the first statute for the direct taxation of property enacted under the Anglo-Saxon domination in Texas, entitled "An Act to raise a public revenue by direct taxation," approved June 12, 1837, and with a few patchwork amendments demanded, more by expediency than reason, our great State today operates under that law which was passed ninety-two years ago last month. It was sufficient for the times in which it was passed; all the property to be taxed was in sight—lands, cattle, and slaves; but it is evident to every right-thinking man that a law applicable to conditions in Texas ninety years ago will not meet the conditions of the crowded present, when the State is filled with 5,000,000 people, rich in industries, commerce and hidden wealth. Whatever the efficiency of the old revenue laws was, it is now an incubus upon the backs of the tax-burdened people. Its efficiency has been turned to inefficiency; and

Whereas, Our Supreme Court has held time and again that the provisions of our State Constitution do not confer any powers upon the Legislature, but are mere limitations; that the Legislature has the power of an absolute sovereign, which it has not been deprived of by the Constitution; it, therefore, follows that the Legislature may enact laws taxing property, persons, incomes and occupations; and

Whereas, As a matter of abstract justice a government ought to make no distinction of persons or classes in the strength of their claim on it. If anyone beareth less than his fair share of the burden, some other person must suffer more than his share. And to the end House, at 3:30 o'clock p. m., took recess that the constitutional command "that until 10 o'clock a. m. tomorrow.

taxation shall be equal and uniform," therefore, be it

Resolved, by the House of Representatives, That the Hon. Victor Gilbert, a member of this House from the county of Callahan and chairman of the Committee on Revenue and Taxation, and the Hon. John T. Wallace, a member of this House from the county of Freestone and chairman of the Committee on Appropriations, and the Hon. Cecil Storey, a member of this House from the county of Wilbarger and chairman of the Committee on State Affairs, and the Hon. C. H. Waddell, a member of this House from the County of Fort Bend and chairman of the Committee on Rules, and the Hon. F. C. Weinert, Tax Commissioner of the State of Texas, and the Hon. James A. King, former Tax Commissioner of the State of Texas, Travis county, and the Hon. John C. Willacy, former Tax Commissioner of the State of Texas, Bexar county, and Dr. E. T. Miller, of the University of Texas, are hereby appointed and constituted a committee to prepare and present to the next session of the Legislature bills for the raising of revenues which shall be based upon the governing principle of the ability of the citizen to pay and the benefits derived.

Mr. Holder moved to refer the resolution to the Committee on State Affairs.

Mr. Woodruff moved to table the motion to refer.

The motion to table was lost.

Question then recurring on the motion to refer, it prevailed.

RELATING TO PAY OF EMPLOYES.

Mr. Holder offered the following resolution:

Whereas, It was necessary for the Speaker to retain several employes to carry on the work of the House from the expiration of the last Called Session of the Legislature until today, July 8; therefore, be it

Resolved, That the Speaker be instructed to pay all employes directed by him to go to work the same salaries they received in the last Called Session for the four days from July 3 to July 6, inclusive.

The resolution was read second time, and was adopted.

RECESS.

On motion of Mr. Van Zandt, the